

Paul R. Niehaus (PN-3994)
 NIEHAUS LLP
 230 Park Avenue
 10th Floor
 New York, New York 10169
 (212) 551-1445

JUDGE CEDARBAUM

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK**

 TECON OIL SERVICES LIMITED,

Plaintiff,

-against-

BAYERISCHE HYPO- UND VEREINSBANK;
 OLUWOLE OGBONYOMI; APF CAPITAL
 MANAGEMENT, LLC; ASSET PLUS
 FINANCE LLC; HARRY SCHARPING; and
 HAGAMA VERTRIEB GMBH,

Defendants.

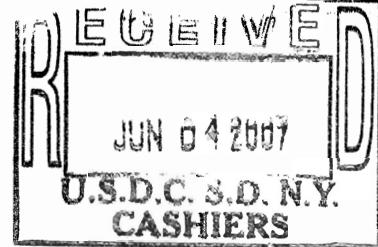
X

Civil Action No. _____

NOTICE OF REMOVAL

X

07 CV 4698



Defendant Bayerische Hypo- und Vereinsbank AG (the "Bank") does hereby respectfully submit this Notice of Removal of the civil action captioned Tecon Oil Services Limited v. Bayerische Hypo-und Vereinsbank, Oluwole Ogbonyomi, APF Capital Management, LLC, Asset Plus Finance, LLC, Harry Scharping and Hagama Vertrieb GmbH, Index No. 650092/2007, in the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. As grounds for removal, the Bank states as follows:

1. Plaintiff Tecon Oil Services Limited commenced this action by Summons and Complaint filed on May 3, 2007 in the Supreme Court of the State of New York, County of New

York. The Summons and Complaint are attached hereto as Exhibit A. No other process, pleadings or orders were served upon or otherwise received by the Bank in the state court action.

2. To the best of the Bank's knowledge and information, no other defendants have been served in the state court action.

3. Plaintiff served a copy of the Summons and Complaint on the Bank on May 15, 2007. Accordingly, this Notice of Removal is timely under 28 U.S.C. § 1446(b), which provides that the notice of removal of a civil action shall be filed within 30 days after receipt by the defendant, through service or otherwise, of a copy of the initial pleading.

4. This is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332 and is one that may be removed to this Court by the Bank based upon diversity jurisdiction pursuant to 28 U.S.C. §§ 1441 and 1446, in that it is an action between citizens of a State and citizens or subjects of a foreign state or between citizens of different States and in which citizens or subjects of a foreign state are additional parties, where the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

5. According to the Complaint, Plaintiff Tecon Oil Services Limited is a foreign corporation domiciled in Lagos, Nigeria.

6. Defendant Bayerische Hypo- und Vereinsbank AG is a corporation organized under the laws of the Federal Republic of Germany, with its principal place of business at Kardinal-Faulhaber-Strasse 1, 80333 Munich, Germany.

7. According to the Complaint, Defendant APF Capital Management, LLC is a "domestic corporation" with its principal place of business at 1170 Peachtree Street, # 1200, Atlanta, Georgia 30309. On information and belief, APF Capital Management is a Georgia LLC.

8. According to the Complaint, Defendant Asset Plus Finance, LLC is a “domestic corporation” with its principal place of business at 1170 Peachtree Street, # 1200, Atlanta, Georgia 30309. Based upon the Georgia Secretary of State’s website, Defendant Asset Plus Finance, LLC is a Georgia LLC.

9. According to the Complaint, Defendant Harry Scharping is a German citizen with a domicile of Hamburg, Germany.

10. According to the Complaint, Defendant Hagama Vertrieb GmbH is a German corporation with a domicile of Hamburg, Germany.

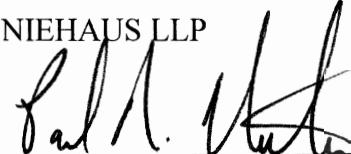
11. According to the Complaint, Defendant Oluwole Ogbonyomi resides in the State of Georgia, and his home address is 1700 Briergate Drive, Duluth, Georgia 30097.

12. This is a civil action where the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00, because Plaintiff is seeking \$1.4 million in damages.

13. True and correct copies of this Notice of Removal with accompanying exhibits and a Notice of Filing of Notice of Removal will be served upon Plaintiff’s counsel and filed with the Clerk of the Supreme Court of New York, County of New York, in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Bayerische Hypo- und Vereinsbank AG respectfully requests that this case be removed from the Supreme Court of New York, County of New York to this Court.

Dated: June 4, 2007
New York, New York

NIEHAUS LLP


Paul R. Niehaus (PN-3994)
Niehaus LLP
230 Park Avenue
10th Floor
New York, NY 10169
Tel. (212) 551-1445
Fax (212) 624-0223
Attorneys for Defendant
Bayerische Hypo- und Vereinsbank AG

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the within and foregoing NOTICE OF REMOVAL on all adverse parties by depositing same in the United States Mail, in a properly addressed envelope with sufficient postage affixed thereto to insure delivery to the following:

Ismail T. Shahtakhtinski, Esq.
Martins I. Imudia & Associates, APLC
3201 Danny Park
Metairie, Louisiana 70002

This 4th day of June, 2007.



Paul R. Niehaus